

**REVIEW OF PARENT TIME, CUSTODY, AND
CHILD SUPPORT LAWS**

2003 GENERAL SESSION

STATE OF UTAH

Sponsor: James M. Evans

**This act modifies the duties of the Child Support Guidelines Advisory Committee to
require that it also review parent-time and custody issues.**

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

78-45-7.13, as last amended by Chapter 233, Laws of Utah 1997

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **78-45-7.13** is amended to read:

78-45-7.13. Advisory committee -- Membership and functions.

(1) On or before March 1, 1995, the governor shall appoint an advisory committee
consisting of:

(a) one representative recommended by the Office of Recovery Services;

(b) one representative recommended by the Judicial Council;

(c) two representatives recommended by the Utah State Bar Association;

(d) two representatives of noncustodial parents, one male and one female, appointed by
the governor;

(e) two representatives of custodial parents, one male and one female, appointed by the
governor; and

(f) an uneven number of additional persons, not to exceed three, who represent diverse
interests related to child support issues, as the governor may consider appropriate. However,
none of the individuals appointed under this subsection may be members of the Utah State Bar
Association.

(2) (a) Except as required by Subsection (2)(b), as terms of current committee members



28 expire, the governor shall appoint each new member or reappointed member to a four-year
29 term.

30 (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the
31 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
32 committee members are staggered so that approximately half of the committee is appointed
33 every two years.

34 (3) When a vacancy occurs in the membership for any reason, the replacement shall be
35 appointed for the unexpired term.

36 (4) (a) The advisory committee shall review ~~[the]~~ child support guidelines, custody,
37 and parent-time laws to ensure that their application results in ~~[the determination of appropriate~~
38 ~~child support award amounts]~~ a seamless combination that works effectively for both parents
39 and children.

40 (b) The committee shall report to the Legislative Judiciary Interim Committee on or
41 before ~~[October]~~ November 1 in ~~[1989]~~ 2003 and ~~[1991]~~ 2005, and then on or before ~~[October]~~
42 November 1 of every fourth year subsequently.

43 (c) The committee's report shall include recommendations of the majority of the
44 committee, as well as specific recommendations of individual members of the committee.

45 (5) (a) (i) Members who are not government employees shall receive no compensation
46 or benefits for their services, but may receive per diem and expenses incurred in the
47 performance of the member's official duties at the rates established by the Division of Finance
48 under Sections 63A-3-106 and 63A-3-107.

49 (ii) Members may decline to receive per diem and expenses for their service.

50 (b) (i) State government officer and employee members who do not receive salary, per
51 diem, or expenses from their agency for their service may receive per diem and expenses
52 incurred in the performance of their official duties from the committee at the rates established
53 by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

54 (ii) State government officer and employee members may decline to receive per diem
55 and expenses for their service.

56 (6) Staff for the committee shall be provided from the existing budgets of the
57 Department of Human Services.

58 (7) The committee ceases to exist no later than the date the subsequent committee

59 under this section is appointed.

59a **§ Section 2. Coordination clause.**

59b **IF THIS BILL AND HB 308, HEALTH AND HUMAN SERVICES BOARDS AND COMMISSION**
59c **AMENDMENT, BOTH PASS, IT IS THE INTENT OF THE LEGISLATURE THAT THE AMENDMENTS TO**
59d **SUBSECTION 78-45-7.13(4)(b) IN HB 308 SHALL SUPERCEDE THE AMENDMENTS TO THE SAME**
59e **SUBSECTION IN THIS BILL.** §

Legislative Review Note
as of 2-19-03 3:57 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

State Impact

The bill requires an ongoing appropriation of \$26,700 from the General Fund to the Department of Human Services

	<u>FY 04 Approp.</u>	<u>FY 05 Approp.</u>	<u>FY 04 Revenue</u>	<u>FY 05 Revenue</u>
General Fund	\$26,700	\$26,700	\$0	\$0
TOTAL	\$26,700	\$26,700	\$0	\$0

Individual and Business Impact

No significant fiscal impact.

Office of the Legislative Fiscal Analyst